Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMP PETITION NO. 103 OF 2003
IN
WRIT PETITION NO. 5576 OF 2001

Kwathali Vidyalaya Kwathali ..Petitioner
versus
State of Maharashtra & Ors. ..Respondents

WITH
CONTEMPT PETITION NO. 106 OF 2003
IN
WRIT PETITION NO. 5564 OF 2001

Kasari Vidyalaya Kasari ..Petitioner
versus
State of Maharashtra & Ors. ..Respondents

Mr. Vishwas S. Deokar for the Petitioners.

Mr. D. A. Patil, AGP, for the Respondents - State.

CORAM : S. A. BOBDE, J.
DATE : 15TH OCTOBER, 2007.

P.C.

. The main grievance of the petitioners is that the respondents have not complied with the order of the Division Bench of this Court dated 3.12.2002, which reads as follows:

"All these petitions can be disposed of

conveniently by directing the Respondents - State to make payment of grant as admitted by it in its affidavit within a period of three months from now."

2. According to Mr. Deokar, the learned counsel for the petitioners, the respondents had admitted that the petitioners - schools are entitled to grant-in-aid under the Resolution dated 10.2.1989 and therefore there is a breach and non compliance of that order.

3. Mr. Patil, the learned AGP, points out that there was no categorical admission by the respondents that the petitioners are entitled to payment of grant under the resolution of 1989. In fact, the learned AGP seems to be correct in the submission since the so-called admission which is reproduced in the letter dated 18.10.2001 written by the Deputy Director of Education only states that **"Assuming that your school is entitled to grant-in-aid in the year 1998-99, no grant-in-aid has been given for the year 1998-99.**" This is far from an admission that the petitioners are entitled for grant-in-aid under the resolution of 1989.

4. In fact Mr. Patil, the learned AGP points out from paragraph 7 of the affidavit in reply of one Mr. D. C. Deshmukh, Deputy Director of Education, Pune Region, Pune, that the petitioners have been held entitled to grant-in-aid by an order dated 11.10.2000, the petitioners in both these petitions i.e. Contempt Petition Nos. 103 of 2003 and 106 of 2003 have been entitled to receive grant-in-aid as per the order dated 10.11.2000 and that they are in fact receiving the said grant-in-aid.

5. Learned counsel for the petitioners is not in a position to deny that the petitioners are receiving grant-in-aid. His submission is that the petitioners are entitled to receive grant-in-aid under the resolution of 1989 which is more advantageous and therefore the grant-in-aid released by the order dated 10.11.2000 is inadequate. If that be so, the petitioners would be entitled to take such appropriate proceedings for claiming the grant-in-aid from an earlier period i.e. 1998 under the resolution of 1989 as claimed by the petitioners. With this liberty, the Contempt

Petitions are hereby dismissed.

(S.A. BOBDE, J.)